

5846

2015-2016 Regular Sessions

I N S E N A T E

June 8, 2015

Introduced by Sen. LARKIN -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the education law, in relation to the establishment of school election wards in union free school districts and central school districts

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. Section 1702 of the education law is amended by adding a
2 new subdivision 4 to read as follows:

3 4. A. NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, A
4 BOARD OF EDUCATION OF A UNION FREE SCHOOL DISTRICT MAY, UPON RESOLUTION,
5 ESTABLISH SCHOOL ELECTION WARDS FOR PURPOSES OF ELECTING INDIVIDUAL
6 TRUSTEES. THERE MAY BE AT LEAST THREE, BUT NOT MORE THAN NINE, SCHOOL
7 ELECTION WARDS WITHIN A SCHOOL DISTRICT. ONE TRUSTEE SHALL BE CHOSEN
8 FROM EACH WARD BY THE QUALIFIED VOTERS THEREIN.

9 B. UPON APPROVAL BY RESOLUTION, THE BOARD OF EDUCATION SHALL CONDUCT A
10 PUBLIC HEARING, AFTER WHICH A REFERENDUM SHALL BE PRESENTED FOR APPROVAL
11 BY A MAJORITY OF THE VOTERS AT THE NEXT SUCCEEDING GENERAL ELECTION. IF
12 SO APPROVED, WITHIN FIVE MONTHS OF SUCH APPROVAL, THE BOARD OF EDUCATION
13 SHALL DEFINE AND PUBLISH BY RESOLUTION BOUNDARIES OF EACH OF THE SCHOOL
14 ELECTION WARDS WHICH SAID WARDS SHALL BE CONTIGUOUS AND EACH OF WHICH
15 SHALL CONTAIN AS NEARLY AS POSSIBLE THE SAME NUMBER OF INHABITANTS. SUCH
16 WARDS SHALL BE ESTABLISHED FOR THE NEXT SCHOOL BOARD ELECTION FOLLOWING
17 VOTER APPROVAL OF THE REFERENDUM IN THE GENERAL ELECTION. UPON ADOPTING
18 A SYSTEM COMPRISED OF SCHOOL ELECTION WARDS, ALL SITTING SCHOOL BOARD
19 TRUSTEES SHALL SERVE THE REMAINDER OF HIS OR HER TERM, AND HIS OR HER
20 SUCCESSOR SHALL BE ELECTED ON THE BASIS OF THE SCHOOL ELECTION WARD
21 SYSTEM. THE BOUNDARIES OF THE SAID SCHOOL ELECTION WARDS MAY THEREAFTER
22 BE REDEFINED BY THE BOARD OF EDUCATION BY RESOLUTION, AFTER A PUBLIC
23 HEARING THEREON, UPON EACH ISSUANCE OF A FEDERAL DECENNIAL CENSUS AND

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets
[] is old law to be omitted.

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1 SUCH RESOLUTION SHALL BE ESTABLISHED AT LEAST EIGHT MONTHS PRIOR TO THE
2 NEXT ELECTION FOR SCHOOL BOARD TRUSTEE OR TRUSTEES.

3 C. THE TERM OF OFFICE OF EACH MEMBER OF A SCHOOL BOARD FROM A SCHOOL
4 ELECTION WARD SHALL BE THREE YEARS.

5 D. WHENEVER A VACANCY SHALL OCCUR OR EXIST IN THE OFFICE OF A WARD
6 TRUSTEE OF A BOARD OF EDUCATION, EXCEPT BY REASON OF EXPIRATION OF TERM
7 OR INCREASE IN THE NUMBER OF MEMBERS OF SUCH BOARD, SUCH VACANCY SHALL
8 BE FILLED BY A MAJORITY VOTE OF THE REMAINING TRUSTEES OF THE BOARD OF
9 EDUCATION WITHIN THIRTY DAYS OF THE DATE SUCH VACANCY SHALL HAVE
10 OCCURRED. NO PERSON SHALL BE APPOINTED TO FILL A VACANCY OF A WARD TRUS-
11 TEE OF A BOARD OF EDUCATION UNLESS HE OR SHE FULFILLS ALL OF THE QUALI-
12 FICATIONS IN THIS SUBDIVISION TO ENABLE HIM OR HER TO BE A CANDIDATE FOR
13 THE OFFICE OF A TRUSTEE OF THE BOARD OF EDUCATION FROM THE WARD
14 INVOLVED.

15 S 2. Section 1804 of the education law is amended by adding a new
16 subdivision 13 to read as follows:

17 13. A. NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, A
18 BOARD OF EDUCATION OF A CENTRAL SCHOOL DISTRICT MAY, UPON RESOLUTION,
19 ESTABLISH SCHOOL ELECTION WARDS FOR PURPOSES OF ELECTING INDIVIDUAL
20 SCHOOL BOARD MEMBERS. THERE MAY BE AT LEAST THREE, BUT NOT MORE THAN
21 NINE, SCHOOL ELECTION WARDS WITHIN A SCHOOL DISTRICT. ONE MEMBER SHALL
22 BE CHOSEN FROM EACH WARD BY THE QUALIFIED VOTERS THEREIN.

23 B. UPON APPROVAL BY RESOLUTION, THE BOARD OF EDUCATION SHALL CONDUCT A
24 PUBLIC HEARING, AFTER WHICH A REFERENDUM SHALL BE PRESENTED FOR APPROVAL
25 BY A MAJORITY OF THE VOTERS AT THE NEXT SUCCEEDING GENERAL ELECTION. IF
26 SO APPROVED, WITHIN FIVE MONTHS OF SUCH APPROVAL, THE BOARD OF EDUCATION
27 SHALL DEFINE AND PUBLISH BY RESOLUTION BOUNDARIES OF EACH OF THE SCHOOL
28 ELECTION WARDS WHICH SAID WARDS SHALL BE CONTIGUOUS AND EACH OF WHICH
29 SHALL CONTAIN AS NEARLY AS POSSIBLE THE SAME NUMBER OF INHABITANTS. SUCH
30 WARDS SHALL BE ESTABLISHED FOR THE NEXT SCHOOL BOARD ELECTION FOLLOWING
31 VOTER APPROVAL OF THE REFERENDUM IN THE GENERAL ELECTION. UPON ADOPTING
32 A SYSTEM COMPRISED OF SCHOOL ELECTION WARDS, ALL SITTING SCHOOL BOARD
33 MEMBERS SHALL SERVE THE REMAINDER OF HIS OR HER TERM, AND HIS OR HER
34 SUCCESSOR SHALL BE ELECTED ON THE BASIS OF THE SCHOOL ELECTION WARD
35 SYSTEM. THE BOUNDARIES OF THE SAID SCHOOL ELECTION WARDS MAY THEREAFTER
36 BE REDEFINED BY THE BOARD OF EDUCATION BY RESOLUTION, AFTER A PUBLIC
37 HEARING THEREON, UPON EACH ISSUANCE OF A FEDERAL DECENNIAL CENSUS AND
38 SUCH RESOLUTION SHALL BE ESTABLISHED AT LEAST EIGHT MONTHS PRIOR TO THE
39 NEXT ELECTION FOR SCHOOL BOARD MEMBER OR MEMBERS.

40 C. THE TERM OF OFFICE OF EACH MEMBER OF A SCHOOL BOARD FROM A SCHOOL
41 ELECTION WARD SHALL BE THREE YEARS.

42 D. WHENEVER A VACANCY SHALL OCCUR OR EXIST IN THE OFFICE OF A WARD
43 MEMBER OF A BOARD OF EDUCATION, EXCEPT BY REASON OF EXPIRATION OF TERM
44 OR INCREASE IN THE NUMBER OF MEMBERS OF SUCH BOARD, SUCH VACANCY SHALL
45 BE FILLED BY A MAJORITY VOTE OF THE REMAINING MEMBERS OF THE BOARD OF
46 EDUCATION WITHIN THIRTY DAYS OF THE DATE SUCH VACANCY SHALL HAVE
47 OCCURRED. NO PERSON SHALL BE APPOINTED TO FILL A VACANCY OF A WARD
48 MEMBER OF A BOARD OF EDUCATION UNLESS HE OR SHE FULFILLS ALL OF THE
49 QUALIFICATIONS IN THIS SUBDIVISION TO ENABLE HIM OR HER TO BE A CANDI-
50 DATE FOR THE OFFICE OF A MEMBER OF THE BOARD OF EDUCATION FROM THE WARD
51 INVOLVED.

52 S 3. This act shall take effect immediately.